**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 11362 of 2004**

Between:

Anisetti Durga Rao S/o. Venkanna
R/o. Jainavarigudem Vill, Buttaigudeam Mandal, W.G.Dist.

..... PETITIONER

AND

1 The Agent of Govt ,. District Collector, W.G.Dist.
2 The Spl. Dy. collector, Tribal Welfare, K.R.Puram W.G.Dist.
3 Mandal Revenue Officer, Buttaigudem Mandal, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction more particularly on in the nature of writ of Mandamus declare action of the respondents in not considering the appeal of the petitioner filed on 20.07.2003 as illegal, arbitrary, and contrary to the provisions of A.P.S.A.L.T. Regulation and consequently direct the respondents not to evict the petitioner from the schedule land situated in R.S.No.49 an extent of Ac. 4.00 cts of Jain varigudem vill, Buttaigudem Mandal, W.G.dist.

For the Petitioner: MR.P.R.K.AMERANDRA KUMAR, Advocate

For the Respondent No.: GP FOR SOCIAL WELFARE

**The Court made the following ORDER:**

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not passing any orders on the appeal filed by the petitioner against the order of the second respondent in S.R.No.29 of 2002, dated 28.05.2003.

2. According to the petitioner, he and his predecessors have been in possession and enjoyment of an extent of Ac.4.00 cents of land in R.S.No.49 of Jainvarigudem village, Buttaigudem Mandal, West Godavari District. However, at the instance of Special Deputy Tahsildar as well as one Sunnam Ramudu, the second respondent initiated proceedings for conducting enquiry. Though the documentary evidence was adduced, the second respondent passed an order of eviction. It is also stated that the petitioner's father purchased the land in question in the year 1969 and since then the petitioner and his father have been in possession and enjoyment of the same. In fact, according to the petitioner, the second respondent initiated proceedings in S.R.No.210 of 1996 by order dated 02.09.1997, closed the said proceedings accepting the sale effected in favour of the petitioner's father holding the same is not effected by any of the regulations. But, however, the said proceedings were ignored by the second respondent on the ground that by mistake the survey number was shown as R.S.No.40 instead of 49.

3. Therefore, the learned counsel for the petitioner contended that against the said order of eviction passed by second respondent, an appeal was filed before the first respondent in the year 2003 along with the stay petition. But, the first respondent did

not pass any orders so far. Now the respondents are trying to interfere with the petitioner's possession. Hence, the present writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

5. Admittedly, the appeal filed by the petitioner against the order of eviction passed by the second respondent, is pending before the first respondent and the first respondent did not pass any order though appeal was filed in July 2003.

6. Under the above circumstances, the writ petition is disposed of directing the first respondent to dispose of the appeal expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. Pending disposal of the appeal, the respondents are directed to maintain stats quo as on today with reference to the possession of the land in question.

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05.07.2004

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To

1 The Agent to Government, District Collector,
West Godavari District.

2 The Special Deputy Collector, Tribal Welfare, K.R.Puram
West Godavari District.
3 The Mandal Revenue Officer, Buttaigudem Mandal,
West Godavari District.
4 Two CCs to G.P. for Social Welfare, High Court of A.P. Buildings,
Hyderabad (OUT)
5 Two CD Copies